

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
OF THE NORTHERN DIVISION

2005 DEC -1 A 10: 02

Roy MOSE #197649,

PETITIONER

VS.

BOB RILEY ET AL.,
RESPONDENT[s]

DEBRA R. HADFIELD CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT
CASE NO: 2:05-cv-943 F
CASE NO: 2:05-cv-944 F ✓
CASE NO: 2:05-cv-945 F
CASE NO: 2:05-cv-946 F

MOTION TO INTERVENE

COMES NOW, Roy MOSE, 197649 THE PETITIONER IN THE ABOVE
STYLED CASE AND PURSUANT TO FED.R.CIV.P.RULE 24 AND MOVE THIS
HONORABLE COURT TO ALLOW THE PETITIONER TO INTERVENE. THE PETITIONER
INTEREST IS REPRESENTED IN THE CASE OF RONNIE McCLAIN, LEON FOY, ROY MORE,
AND ANDRE WEBSTER, CHALLENGING THE CONSTITUTION CONDITIONS OF CONFINEMENT
AT WHICH PETITIONER IS SUBJECTED TO AT ELMORE CORRECTIONAL FACILITY
AND SUPPORT OF SAID MOTION. PETITIONER WILL STATE THE FOLLOWING GROUNDS;

1]. PETITIONER IS A STATE PRISONER WHO IS SERVING A SENTENCE OF
22 YEARS WHOM IS BEING INCARCERATED AT THE ELMORE CORRECTIONAL
FACILITY.

2]. PETITIONER MOSE, Roy IS ALLEGING THAT THE ABOVE NAMED
DEFENDANT[S] IS VIOLATING HIS FIRST, FIFTH, EIGHTH AND FOURTEENTH AMENDMENTS
RIGHTS IN THIS HONORABLE COURT'S DECLARATORY IN CASE OF PUGH V. LOCKE,
406 F.supp.318(1976).

3]. THE PLAINTIFF[S] McCLAIN, FOY, MORE, AND WEBSTER, ON AND ABOUT
OCTOBER 4th, 2005 FILED A COMPLAINT SEEKING TO REPRESENT THEMSELVES
AND OTHER SIMILARILY SITUATED STATE PRISONERS THAT IS INCARCERATED
UNDER THE UNCONSTITUTIONAL CONDITIONS IN THE ALABAMA INSTITUTIONS.
IN VIOLATION OF 42 U.S.C §1983, 1985(3), AND 1986 AND ALSO ALLEGES
EIGHTH AND FOURTEENTH AMENDMENT VIOLATION OF THE UNITED STATES
CONSTITUTION. SEEKING DAMAGES AS WELL AS DECLARATORY AND INJUNCTIVE
RELIEF,

IN VIOLATION OF 42 U.S.C. §1983, 1985(3), AND 1986, AND ALSO ALLEGES EIGHTH AND FOURTEENTH AMENDMENT VIOLATION OF THE UNITED STATES CONSTITUTION. SEEKING DAMAGES AS WELL AS DECLARATORY AND INJUNCTIVE RELIEF.

4]. PETITIONER, INTEREST IN THIS CASE THAT THE NAMED PLAINTIFF[S] IS NOT AN ADEQUATE CLASS REPRESENTATIVE ABLE TO FAIRLY REPRESENT THE CLASS. CAUSE WHICH IS PRESENTED PENDING BEFORE THIS COURT.

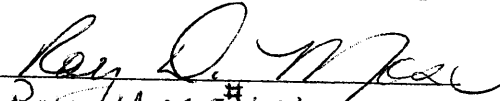
5]. THE PETITIONER LITIGATION COULD BE LOST IF THE INDIVIDUAL CLAIMS OF THE PLAINTIFF[S] IS DISMISSED. UNDER THE USUAL PROCEDURE HISTORY THE COURT RULED THAT IF ON REMAND THE DISTRICT COURT DETERMINED THAT THERE WAS A LIVE CONTROVERSY INVOLVING THE CLASS. IT HAS THE RESPONSIBILITY OF DETERMINING WHO IS AN APPROPRIATE REPRESENTATIVE. (SEE) *ARMOUR V. CITY OF ANNISTON*, 622 F.2d 1226 (5TH CIR. 1980).

6]. CAUSE OF ACTION COMES WHERE DEFENDANT[S] HAD A DUTY UNDER ALABAMA LAWS TO PROTECT THE RIGHTS OF THE PLAINTIFF[S] AND THAT EACH DEFENDANT[S] HAS PERSONAL KNOWLEDGE OF THE UNCONSTITUTIONAL CONDITIONS IN THE ALABAMA PENAL SYSTEM.

7]. THE PETITIONERS FOURTEENTH AMENDMENT RIGHTS FOR EQUAL PROTECTION, TO HAVE A FULL DUE PROCESS BY THE COURT AND ACCESS TO LITIGATE A LEGAL ISSUE WHICH WAS ALLEGED THAT THE PETITIONER IS BEING DEPRIVED OF HIS LIFE AND LIBERTY DUE TO THE SEVERE OVERCROWDING ALABAMA INSTITUTIONS.

THE PETITIONER HAS A CONSTITUTIONAL RIGHT TO REQUEST THIS HONORABLE COURT TO ALLOW HIM TO INTERVENE IN THE ABOVE NAMED PLAINTIFF[S] CAUSE OF ACTION THAT CHALLENGES THE UNCONSTITUTIONAL CONDITIONS IN THE ALABAMA PENAL SYSTEM. UNDER 42 U.S.C §1983 FOR A FULL INVESTIGATION FOR THE DEPRIVATION OF THE EIGHTH AND FOURTEENTH AMENDMENT RIGHTS VIOLATIONS.

RESPECTFULLY SUBMITTED


ROY MOORE #197649
P.O. 8. / A1-11

ELMORE ALA. 36025